

From: Glenn Mickens
Sent: Saturday, February 04, 2006 9:27 AM
To: Charter Commission
Subject:

From: "WALTER S LEWIS
Date: January 27, 2006 8:07:50 AM HST
To:
Subject: Forum article

Here is the article. Regards. Walter

Under the Kauai County Charter provision is made for a Charter Review Commission to be established every ten years to "study and review the operation of the county government" and to offer for public vote any charter changes deemed necessary or desirable. The current Commission has now been active for about one year.

There is grave doubt whether the Commission intends to fulfil its mandated mission. Although no term of service for the Commission is stated, both history and logic support the view that Commission would serve until its "study and review" is completed. But the Commissioners seem to be of the view that they will submit whatever recommendations they choose to make for voter consideration at the November 2006 general election and then resign. If the "study and review" has been completed, that termination of their function would be reasonable. If, however, unfinished work remains such a resignation would be an abandonment of their duty.

To date the great majority of the Commission's meetings have been devoted to seeking the statements of county officials as to whether they believe charter changes would be beneficial. Not surprisingly our elected and appointed county servants are offering few suggestions for change. A limited amount of Commission time has been given to members of the public. A very different story is emerging. A considerable dissatisfaction with the performance of the present county government exists including major problems with charter related terms. Thoughtful proposals have been offered for charter amendments. Several of these are complex and require extensive review and informed decision making.

At the last commission meeting some commissioners expressed concern about the scope of work they feared might be needed on a county manager proposal and the limited time available. A commissioner made the extraordinary remark that the complexity of the proposal might be "terrorizing".

The Commission should be reminded that it is their function to consider proposals given by members of the public and to present them for voter determination unless there are valid reasons why they are not suitable for citizen decisions. Having a time schedule convenient for the Commission members is not a valid reason. In this context the clear message set forth in the opening sentence of the State Sunshine Law resonates "In a democracy, the people are vested with the ultimate decision- making power". The commissioners should not arrogate to themselves this power.

The Commission is composed with sincere and intelligent people. They have an important mission. They must not fail the community by imposing a deadline that

precludes completion of their work or by refusing to consider proposals because of the assumed complexity.